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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/810,903 | 03/29/2004 | Yukihiro Kubo | 1163-0502PUS1 | 1089 |
| 2292 7590 06/07/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | EXAMINER SHARMA, SUJATHA R | |
| | | | ART UNIT 2618 | PAPER NUMBER |
| | | | NOTIFICATION DATE 06/07/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/810,903

Applicant(s)

KUBO, YUKIHIRO

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kushita [US 6,570,689].

Regarding claim 1, Kushita discloses a method of operating of operating an automobile system using a portable telephone. Kushita further discloses a method comprising:

- a first terminal provided with a first wireless connection interface for performing short-distance wireless communications and a first control unit for starting said first wireless connection interface; see col. 2, lines 43-51 where the first terminal is a portable terminal with short range communication module such as the infra red which is controlled by the infra red processing section
- a second terminal provided with a second wireless connection interface for performing short-distance wireless communications and a second control unit for starting said second wireless connection interface; see col. 2, lines 52-67 where the second terminal is represented by the automobile system with infra red communication module with an infra red processing section

wherein

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- said second terminal includes a holder having a detector for detecting whether or not said first terminal is set to said holder, and for outputting a set signal when detecting that said first terminal is set to said holder, see col. 4, lines 18-37 where the holder or cradle 205 of the automobile system 200 holds the portable telephone and has a detection method to detect the presence of the portable phone in the holder or cradle and a control signal is set between the portable phone and the automobile system
- said second control unit of said second terminal starts said second wireless connection interface in response to the set signal sent thereto from said detector, and establishes a wireless connection between said first terminal and said second terminal; see col. 8, lines 32- col. 9, line 27. Here the when the portable phone is in the cradle, a control signal is set which is indicated to the automobile system which then communicates with the portable phone to set the phone to the drive mode i.e. to disable the phone for speech communication. See also col. 1, lines 5-45

Regarding claim 3, Kushita further discloses a method wherein said second control unit of said second terminal sends a start signal to said first control unit of said first terminal in response to the set signal sent thereto from said detector, and said first control unit of said first terminal starts said first wireless connection interface in response to the start signal sent thereto from said second terminal, and establishes a wireless connection between said first terminal and said second terminal. See col. 1, lines 5-45, col. 2, lines 42-67, col. 4, lines 18-37, see col. 8, lines 32- col. 9, line 27

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kushita [US 6,570,689] in view of Lilja [US 5,991,640].

Regarding claim 2, Kushita discloses all the limitations as claimed. However, he does not disclose a method wherein said holder includes a charge interface for supplying a charging current to said first terminal when said first terminal is set to said holder, said first terminal includes a charge detector for detecting whether or not the charging current is supplied thereto from said holder, and said first control unit of said first terminal starts said first wireless connection interface when said charge detector detects that the charging current is supplied to said first terminal so as to establish a wireless connection between said first terminal and said second terminal.

Lilja, in the same field of endeavor, teaches a method wherein when the phone is placed in the holder or cradle the phone interface 22 detects the presence of the phone in the holder (see col. 3, lines 16-19) , then the charging circuitry regulates and charges the mobile phone placed in the holder and thus powers the mobile unit to allow for the communication with the master electronic system of the automobile.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Lilja to Kushita in order for the proper operation of the phone while docked in the cradle.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kushita [US 6,570,689] Lilja [US 5,991,640] in view of Odinak [US 2003/0096641].

Regarding claim 4, Kushita as treated in claim 2, discloses a method of using short range communication such as infra red communication between the portable phone in the cradle and the automobile system.

However he fails to disclose a method of using Bluetooth communication for the short range radio communication.

However, Bluetooth is a well known standard in the industry established for short range communication between devices as taught by Odinak. Odinak discloses the use of Bluetooth communication technology to communicate between the portable phone and other devices in the vehicle. See page 1, paragraphs 5,8,9

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the use of Bluetooth wireless link as taught by Odinak to modified Kushita in order to provide a more reliable and high quality link for efficient communication of short range signals where also line of sight is not required.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kushita [US 6,570,689] in view of Odinak [US 2003/0096641].

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Regarding claim 5, Kushita as treated in claim 3, discloses a method of using short range communication such as infra red communication between the portable phone in the cradle and the automobile system.

However he fails to disclose a method of using Bluetooth communication for the short range radio communication.

However, Bluetooth is a well known standard in the industry established for short range communication between devices as taught by Odinak. Odinak discloses the use of Bluetooth communication technology to communicate between the portable phone and other devices in the vehicle. See page 1, paragraphs 5,8,9

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the use of Bluetooth wireless link as taught by Odinak to Kushita in order to provide a more reliable and high quality link for efficient communication of short range signals where also line of sight is not required.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yehuda [GB 2 420 930] Auxiliary handset accessory lit and method for a radio telephone in a vehicle

Noar [GB 2 277 422] A headset accessory for a mobile telephone set

Peiker [US 2004/0087335] Arrangement for handling a communication device

Hoffman [WO 98/57824] Device for installing a mobile telephone in a motor vehicle

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Didier [FR 2 839 837] Handsfree support for mobile telephone includes threshold circuit detecting flow of charging current to indicate presence of phone

Kitao [US 2002/0032048] On-vehicle handsfree system and mobile terminal thereof

Kinnunen [US 6,687,517] Handsfree operation of mobile terminal using wireless communication link

Lygas [US 6,236,868] Apparatus for sensing the presence of a mobile telephone in its holder

Lee [us 7,166,987] Portable charger for mobile phone

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sujatha Sharma
May 27, 2007